IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

Crl.MC.No. 941 of 2007

(AGAINST C.R. NO. 40/2004 OF KAZHAKKOTTAM EXCISE RANGE)
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PETITIONERS/ACCUSED NOS. 1 & 2:
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1. **BAIJU,**
   S/O. NADARAJAN, KERAVANAM HOUSE,
   THAZHAVA, KOLLAM DISTRICT.

2. **MANILAL,**
   S/O. PRABHAKARAN, VELIYEL VEETTIL,
   ARYAD, AMBALAPUZHA, ALAPPUZHA DISTRICT.

BY ADV. DR.K.P.SATHEESAN,
SRI.K.K.GOPINATHAN NAIR,
SRI.M.R.JAYAPRASAD,
SRI.K.K.RAJEEV.

RESPONDENTS/STATE & COMPLAINANT:
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1. **STATE OF KERALA,**
   REPRESENTED BY THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

2. **THE EXCISE INSPECTOR,**
   KAZHAKKOOTTAM EXCISE RANGE, THIRUVANANTHAPURAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZER.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.941 of 2007

Dated this the 26th day of March, 2007

ORDER

The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala and Others v. Unni and another** [2007(1) KLJ (S.C) 97], this prosecution in which the only allegation is that the percentage of Ethyl Alcohol in toddy exceeds the permissible figure cannot be sustained. This Crl.M.C is, in these circumstances, allowed. All proceedings in pursuance of C.R. No.40 of 2004 of Kazhakkottam Excise Range, against the petitioners are hereby quashed.

(R.BASANT, JUDGE)

rtr/-